DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0113-20**	**Applicant:**	**Mr A Hoyles**
Proposal:	Proposed menage to include floodlights and fencing		
Location:	Fairfield Lodge Cranesgate North Whaplode St Catherine		
Terminal Date:	8th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places
Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for proposed menage to include floodlights and fencing at Fairfield Lodge, Cranesgate North, Whaplode St Catherine, Spalding.

Site Description

Fairfield Lodge is a corner plot abutting Cranesgate North (east) and Snaffers Lane (south) which both form the crossroad alongside Further Old Gate (further east). The wider area is characterised by flat agricultural land. Percheron Lodge is one further residential property located opposite the road junction.

The dwellinghouse is a large detached property facing north. There is a semi-circular shape laid in gravel with landscaping to the front of the property. The menage is adjacent a few metres to the west of the house. The horse riding area is currently enclosed with rail and post fencing. The riding area has no treatment on the floor for menage purposes. A timber stable unit is adjacent to the south. A row of young tall leafy trees stretching on the western site boundary obscure views on the proposed menage.

History

H23-0720-09 - Proposed single-storey side extension - Approved

Consultation Responses

Lincolnshire County Council as Highways Authority and Lead Local Flood Authority

No objection.

South Holland IDB

No objection.

It is reminded to comply with Board's byelaw and other legislation.

SHDC Environmental Health

No objection.

Request to subject permission to the following condition should the application be approved: "No burning of bedding or manure to take place on site".

Planning Considerations

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Principle of development

The site lies in the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of a menage that is incidental to the enjoyment of the house occupiers is acceptable. Furthermore, equestrian related development is typically in the countryside.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. According to Policy 2

of the SELLP, design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Likewise, Policy 2 of the SELLP establishes that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The menage perimeter reveals a rectangular shaped area which will amount to 800 square metres. It will located at the eastern half of the sizeable curtilage, specifically 16 metres to the west of the residential property.

1.4 metre high timber post and rail fencing will be utilised to enclose the menage and 4 no. floodlight posts will be erected on each corner. The proposed floor of the menage will consist of a 160mm deep crushed aggregate layer as a base and, on top of that, a 125mm thick sand and synthetic fibre layer. Both layers will be retained by a board on the edge of the menage perimeter.

Overall, the development sits well within the application site given the curtilage size and position in relation to the dwelling house. The resulting appearance is in keeping with the rural setting of the menage. For these reasons, the design and layout of the proposal is appropriate complying with the aforementioned policies.

Residential amenity

Policy 30 of the SELLP states that development will not be permitted where they would lead to unacceptable adverse impact upon the health and safety of the public by way of light levels and air quality, among other factors.

Following the comments of SHDC Environmental Health Officer, the grant of permission should be subject to the prohibition of burning of bedding or manure. In doing so, the menage will not create any adverse effect onto the amenity of residents living in adjacent properties. No objection has been raised with regards to the floodlights.

It is anticipated no significant harm to the neighbouring properties on the grounds of amenity due to the movement and riding of horses. The level of noise and disturbance would be fairly limited for the residents nearby.

Therefore, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019). No unacceptable pollution is anticipated and therefore the proposal also accords with Policy 30.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 and 15 of the National Planning Policy Framework (NPFF), 2019.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.